MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2018/2019

UJP 3612 – JURISPRUDENCE 1

(All Sections/Groups)

27 OCTOBER 2018

Reading Time   : 9.00 a.m. – 9.15 a.m.

(15 Minutes)

Answering Time : 9.15 a.m. –12.15 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes. ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the question.
2. This Examination Paper consists of 3 Pages with 5 Questions only.
3. There are two parts in this Question Paper: Part A and Part B. Question 1 and Question 2 from Part A are COMPULSORY and must be answered. Answer TWO QUESTIONS ONLY from Part B.
4. Please write all your answers in the Answer Booklet provided.

PART A:

QUESTION 1 AND QUESTION 2 ARE COMPULSORY AND MUST BE ANSWERED.

QUESTON 1

Discuss the concepts stated below. For each concept support your answer with relevant illustration/s and argument/s.

(a.) 'command theory of law'   John Austin (1790-1859)   (10 marks)

(b.) 'enforcement of morals'   Lord Devlin (1920 -1940)   (15 marks)

(Total: 25 marks)

QUESTION 2

HLA Hart defined law as the union of primary and secondary rules, which are applied and enforced by courts of law. Where there is no rule which may be applied to a particular situation, the court must make new rule by using its discretion. On the other hand, Dworkin argues that Hart's explanation of the nature and place of law in a legal system ignores the importance of 'principles' and 'policies' which the courts often apply where there is no clear rule.

Critically analyse and discuss the above statements.

(25 marks)

(Total: 25 marks)

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PART B: ANSWER TWO QUESTIONS ONLY

QUESTION 3

Critically discuss Jeremy Bentham's concept of 'felicific calculus'. Do you think that modern legislature should use 'felicific calculus' in the process of law-making? Support your answers with contemporary illustration/s and argument/s.

(25 marks)

(Total: 25 marks)

QUESTION 4

John Finnis contended that the combination of the basic goods and test of reasonableness would enable society to prevent gross injustice. These concepts also provide a model of basic rights.

Discuss John Finnis concept of 'basic goods and tests of practical reasonableness'.

(25 marks)

(Total: 25 marks)

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QUESTION 5

Explain the rights thesis as propounded by Ronald Dworkin. Critically discuss why he is against judges making decisions based on policy grounds.

(25 marks)

(Total: 25 marks)

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